

# Planning Committee

17<sup>th</sup> August 2017

## Present:

### Members (15)

Councillors Barnes, Chair (GB); Fisher, Vice-Chair (BF); Baker (PB); Collins (MC); Hegenbarth (AH); Hobley (KH); Lillywhite (AL); McCloskey (HM); Nelson (CN); Oliver (TO); Savage (LS); Thornton (PT); Wheeler (SW).

**Substitutes:** Councillor Matt Babbage (MB)

### Officers

Martin Chandler, Team Leader, Development Management (MC)  
 Lucy White, Senior Planning Officer (LW)  
 Michelle Payne, Senior Planning Officer (MP)  
 Emma Pickernell, Senior Planning Officer (EP)  
 Harry DuBois Jones, Planning Officer (HDJ)  
 Chris Chavasse, Senior Trees Officer (CC)  
 Annie Holdstock, Trees Officer (AH)  
 Nick Jonathan, Legal Officer (NJ)

## 1. Apologies

Councillors Seacome and Colin Hay.

## 2. Declarations of interest

### i. 17/00337/FUL Central Cheltenham Police Station

- Councillor McCloskey – personal only – is a member of the Police and Crime Panel
- Councillor Nelson – personal only – is a member of the Police and Crime Panel
- Councillor Hobley – is substitute on the Police and Crime Panel (has not yet attended a meeting)

### ii. 17/01238/FUL 2 Giffard Way

- Councillor Nelson – is a member of the Leckhampton with Warden Hill Parish Council, but has not been involved in any discussion of this application

## 3. Declarations of independent site visits

- Councillor Fisher – visited BMW; googled others
- Councillor Nelson – Police HQ, BMW, 2 Giffard Way
- Councillor Baker – BMW, Police HW

## 4. Public Questions

There were none.

## 5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 20<sup>th</sup> July 2017 be approved and signed as a correct record *without* corrections.

## 6. Planning applications

Application Number:	<b>17/00337/FUL</b>
Location:	<b>Central Cheltenham Police Station, Talbot House, Lansdown Road</b>
Proposal:	<b>Demolition of all existing buildings on site and erection of 68no. new homes, access, landscaping and other associated works at the former Police Headquarters, Lansdown Road</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Defer</b>
Letters of Rep:	<b>11</b>
Update Report:	<b>None</b>

**MP** introduced the application as above, on the former Police HQ site on Lansdown Road, which was allocated for housing development in the 2006 Local Plan, being noted as a significant negative feature in the central conservation area. The application is for 68 residential units with associated parking and landscaping, comprising 43 apartments facing Lansdown Road and 25 town houses on the rear portion of the site. A green open space is also included in the scheme. It is at Planning Committee at the request of Councillor Harman, primarily due to concerns about highways matters. The proposal has been the subject of extensive pre-app discussion and revision. The recommendation is to permit, subject to S106 agreements on education, libraries and playspace.

### Public Speaking:

#### **Mr Guy Wakefield, Hunter Page Planning, in support**

Members will have read the officer report and noted the conclusion in respect of this longstanding allocated brownfield site for 67 1-5 bedroomed houses. Cala is a medium-sized building company, aims at high quality design, attractive sites, and good quality homes. Extensive discussions have taken place in the preparation of this application, with officers, consultees, and residents, and various changes made taking matters raised into consideration. There have only been nine objections, mostly concerning traffic, and the Talbot Road/Lansdown Road junction. The highways authority does not consider any extra work to the junction is needed, and has no objection, agreeing there will be a significant reduction in traffic compared with the previous use as a police HQ; the applicant's own consultant has suggested this could be as much as 60%. All S106 contributions will be paid; applying vacant building credit results in the scheme providing no affordable housing. Vacant building credit was intended to incentivise the delivery of brownfield sites while avoiding situations where sites are deliberately brought forward to take advantage of this rule. This is not the case here – there has been a longstanding intention of the police and council to develop the site and provide new premise for police. Failure to deliver the site was in part due to all the costs and contributions associated with it, but the sale of the site is in the public interest. The design has evolved through discussion with officers and a presentation to neighbours. Following a presentation to Committee members, comments re bin storage and parking have been taken on board, resulting in a high quality proposal that will make a positive contribution to the conservation area. This view is shared by residents who attended the presentation, and further indicated by the lack of objections on this matter.

### **Councillor Harman**

This is the most significant application to affect Park Ward and prime entrance to Cheltenham for some time, and it is therefore appropriate that the Committee looks at it carefully. Is present to amplify concerns of residents – at Lefroy Court and elsewhere. Talbot Road key access to site – this gives cause for concern during demolition, construction and building. It could be very stressful for residents; many of those living in Lefroy Court at the end of the cul-de-sac are elderly, and every effort to minimise noise and disturbance should be made. Also, residents need to be reassured that any asbestos will be removed in the safest way. Another concern from residents of Lefroy Court – who are

mostly pedestrians – is the traffic light signal at the junction with Christ Church Road. Hears what HW officers have said, but we are missing the opportunity to look at what can be done to improve this crossing. Is also a county councillor - raised subject of a safety review back in February, not linked to this application, as the situation is far from ideal at the moment, with people ignoring the turning signs. A review is needed to improve safety. As said, this is an important decision, , an important site for housing development. There is recognition among local residents that development will take place, and it is also important that the site manager liaise regularly with residents in construction phases.

**Member debate:**

**MC:** has two main points to make. First, the agent talked about the reason why no affordable housing is required on this site – can officers explain for other members of committee and the public who may be unaware of the issue here? Secondly, Page 23 of the report refers to the lay-out and parking provision, with one space per apartment, plus four visitor spaces, and two for each house, and the drawings show the site clearly divided between the apartments at the front and the houses at the back. The report states that there isn't any minimum provision for parking, but living on a new housing estate as he does, knows that most two-bedded apartments have two cars, and in his own road of 24 houses, at least four occupiers also have work vehicles. There is nowhere in the locale for extra vehicles, particularly with parking permits being introduced in the area. Concludes therefore that parking provision for the apartments is insufficient. It is brilliant that this brownfield site is being redeveloped, even if the agent says it will be an expensive process. He claims that the developer is medium-sized, responsible and high-quality, but this proposal will cause parking problems – there are not enough spaces for the apartments. Cannot therefore support the recommendation to permit at the moment.

**CN:** has a number of general points and questions. Something needs to be done about this site, as it doesn't look good; everyone knows that we need more housing in the town, so going for a residential development fits in well with the JCS and Local Plan – all to the good. Reading through the representations and the comments of the Architects' Panel and Historic England, notes that their main concern is overdevelopment – the scheme proposes too high density of dwellings and too many houses. This is a cause for concern, on this main route into Cheltenham, and goes against both the NPPF and Local Policy CP7.

Regarding the parking issue, we often see schemes at Planning Committee without sufficient parking for the new houses, with complaints about the shortage of parking spaces in the area. Understands MC's comments, but in this case it is quite pleasant to see a proposal with plenty of car parking spaces.

What does the draft Cheltenham Plan assume for this site regarding number of houses and affordable housing? Was not on planning view, but is concerned. There is not enough affordable housing in Cheltenham; the current requirement is for 40%, yet here are 68 dwellings and no affordable housing. There have been long discussions about viability and the price the developer is paying for the site, but was under impression that the price the developer pays is irrelevant – if it is over the going rate, tough! Is £6m more than any other commercial buyer would pay for this site? Realises there are other factors and arguments included in the lack of affordable housing provision, but would like some more discussion about this.

What are the developer's S106 contributions? Councillor Harman mentioned that he has secured a review of safety at the junction, but GCC doesn't always deliver. Should there be a condition for a safety review of the junction to address residents' concerns?

**PT:** also has concerns about the 40% affordable housing, and hopes for some answers from officers. Has waded through the report and is more confused than when she started. Wonders if, at any point,

the possibility of conserving or refurbishing the existing buildings was considered? It was said that it could provide 92 units, including affordable housing.

**PB:** this is a disappointing proposal. There is no doubt that the current building is a blot on the landscape and what is proposed will be an improvement, but it could be so much better. The height of the building is compared to Thorncliffe next door, and to Eagle Star (24 storeys), but most of the properties on Lansdown Road are two or three-storey villas – Thorncliffe is very much the exception to the rule. And the scheme receives damning criticism from the Architects' Panel and Historic England. The agent said that residents' concerns have been addressed, but there are no further comments from the Architects' Panel or Historic England as to whether they support the new designs or not. The changes are marginal, so the previous commentary must still apply. This is the most important route into the town from the M5, and this scheme could be so much better.

As PT has said, affordable housing and vacant building credit are a concern – has read the report many times and finds it difficult to understand. This seems to be a huge missed opportunity on design and affordable housing. S106 contributions of £230k have been achieved for playspace, libraries and education, but more important than this is housing for people in our town to live in. The police authority has demanded more than the site is worth and taken away the developer's ability to provide affordable housing. We should be demanding affordable housing on this site. Is not comfortable with the scheme as it stands, and wonders if a decision should be deferred – it could be better.

**SW:** mostly echoes what other Members have said, though notes on Page 25 that one quarter of the accidents on the junction involve police vehicles, suggesting that Lansdown Road will be safer without the police headquarters situated there. Regarding the comments from the Architects' Panel and Historic England about the design, has looked on the planning portal, and is particularly struck by the coloration – the proposed buildings look like something out of *Blade Runner* – dark and dismal, and not a high quality design – though realises that the actual colour may be different from the drawing. This is a most significant gateway to the town, and the most important stretch of road along that gateway; it needs a design that will make people say "Wow! Look at that!". The site is ideal for housing, but is very, very disappointed at the lack of affordable housing. If 100% affordable could be achieved, would pull back on his argument about design, as this is an area where people can walk or catch a bus to town and be there in ten minutes – making it ideal for affordable housing.

The design of this proposal is appalling, as the Architects' Panel has said, and there should be some affordable housing. The site might have come with a heavy price tag, but these properties will have a heavy price tag too – they are just the sort of places where professional people will want to live.

Also, looking to the back of the site, there are no footpaths – just shared surfaces. For the corner properties this may be acceptable, and possibly OK for the two houses to the west, but for the houses along the main road would like to see a footpath. Residents and visitors will park on there and people will be forced to walk in the middle of the road – it happens in so many modern estates. Would like to see a proper footpath so that people don't need to walk in the road – although realises this isn't a reason to refuse.

**MB:** presumably this site is classified as employment land – why has this not been an issue? Regarding vacant building credit, what is the definition of 'abandoned'? A lay person's view would be that this is what has happened here. Notes no S106 contribution for the highways work on the junction – could this be included?

**KH:** agrees with all that Historic England and the Architects' Panel have said in their consultation reports, except the remarks about the building line in relation to Wilton House – in this, the officer's counter-argument is correct. This is a prominent site; it is right to get the best design. Agrees with

other Members that it is disappointing to get no affordable housing in the development, and considers SW's comments re. professional people to be pertinent here. Is pleased that the proposal isn't for retirement apartments, and also that it isn't just for huge expensive homes, which it could have been. Regrets the lack of any shared garden space for the residents of the flats; Lived in Thorncliffe for six months – it has well-tended, pleasant grounds. People living in flats need this, and it could have been achieved in the scheme. Notes that both the officers and the Architects' Panel commented that the terrace didn't need to curve – considers it would be more successful if it didn't. Doesn't consider any of these reasons are strong enough to outweigh the benefit of this development to the town. If Members vote to defer, is OK with this, but will not vote against it. Agrees with officers' recommendation.

#### **MJC, in response:**

- Has noted two main issues in Members' comments: affordable housing and design/layout;
- The affordable housing perspective is a difficult one; shares Members' frustrations. Would love to have seen 40% provision here, in line with CBC policy – the team takes this very seriously – but there is a compelling case why the scheme is acceptable with a nil provision. This is three-fold:
- **Viability:** the scheme was appraised to find out how much the developer has paid for the site. How much can the developer realistically afford? It was benchmarked against site as office development, and the right thing to do. However, the applicant challenged this, pointing out that conversions of offices to residential don't need planning permission – as seen at Eagle Tower - and no affordable housing is required in these cases. So this building could be converted to a greater number of apartments with no obligations for affordable housing. In the benchmarking exercise, the site came out marginally viable;
- We need to consider the context. The police aim is to raise capital receipt to fund Waterwells – to achieve improvements, efficiencies, and recoup some of the money. It will need this sale to generate about £6m for the police to achieve what they want, which is in the public interest; the viability report nowhere near that figure, and a viable scheme is needed for the police to be able to proceed with their plans;
- Regarding vacant building credit, this is a government incentive to encourage developers to develop brownfield land. It is based on the amount of floor space of the existing buildings, taken away from what is proposed - any net gain triggers affordable housing. In this case, there is no net gain. The additional floor space is zero, so we cannot secure affordable housing. This is Government guidance and a material consideration of significant weight; it is frustrating, but we cannot demand 40% affordable housing;
- Permitted development, the fall-back position, viability, vacant building credit – all combine in a compelling case, and carried significant weight in considering this application;
- **Design:** Members have referred to negative comments from the Architects' Panel, but officers have interpreted their comments differently, and do not consider them to be damning. On certain elements of concern, the case officer has worked with the developers, and the resulting revisions have not been taken back to the panel. Officers consider the changes quite minor, and therefore not necessary to re-consult the Architects' Panel. Officers felt the panel was broadly supportive of the scheme, saying it just needed some refinements; they consider they have now achieved these, and that the scheme is good;
- Historic England's comments are more challenging, and have been gone through point by point with the applicant, resulting in some changes – to the entrance, the landscaping, back ironwork detail. Historic England doesn't support the proposal and considers it harmful to the conservation area, but this has to be weighed against the public benefits which are quite significant. The current building is in a sorry state, and as such is harmful to the conservation area; the proposal will be an enhancement. Officers don't share Historic England's conclusions. It is ten years since the original concept statement for this site – it has been being considered and worked on for a long time;
- Would draw Members' attention to a recent appeal decision at Pate Court – a similarly sensitive site, where officers took the decision to refuse the application which they considered bland – they

felt the site deserved better. However, the appeal Inspector allowed the application, saying it was better than what was there before. This must be seen as a test case, and a very relevant context against which to assess the application;

- To MC, re parking provision, there are a lot of different opinions about what is reasonable. The NPPF says parking provision for new developments should be considered against local standards; the County Council compares it against average car ownership in the ward which in this case is 0.9 per dwelling – so one space per apartment is above the data census and in line with the NPPF. Officers have taken a common sense approach – there is no minimum or maximum requirement, it is not uncommon for couples to share a car, and the provision here is in line with national practice as set out in the NPPF;
- To CN, this site is allocated for housing in the current Cheltenham Plan, but doesn't know off hand what draft is assumed for it in terms of housing and affordable housing;
- Regarding S106 contributions, these are: £107k for primary education, £78k for secondary education, £12k for libraries, £20k for playspace;
- Regarding the highway safety review, the County Council was asked to give a view on the junction, and considered it to be doing well. A safety review is not therefore necessary for this planning application to proceed, though the County should be encouraged to carry on with its safety review, and an informative to do this might be sensible;
- To PB, regarding the quality of the proposal: if Members want to defer – which officers do not consider the right thing to do – officers need to hear what Members want the applicant to do. They have said the scheme is not as good as they would like it to be, but need to be more specific about how it could be made better;
- To MB's question about employment land, this is covered by the site being allocated for housing in the 2006 Local Plan; this change of use is OK, and the planning application is correct;
- Regarding the abandonment test, this is difficult to prove. In this case, the site is vacant but it has not been abandoned – there is a reason why it is vacant. With vacant building credit, there is a need to be careful people aren't abandoning sites and walking away just to to use vacant building credit. This site is a long-held policy aspiration, supported by CBC, and therefore not a target for vacant building credit;
- Regarding an S106 contribution for highways, none is required as the trip generation of the housing development will be less than the trip generation of the police HQ;
- Agrees with KH's comments about this application – there are more good things about it which outweigh the bad things. All planning applications are a balancing act; here officers feel the balance tips towards approval.

**GB:** KH also asked about community land, and SW about the footpaths.

**MJC, in response:**

- Regarding the footpaths, it is a matter of personal preference. There are many site like this, and the County has looked at the proposal from a safety aspect and considers the shared surface to be acceptable. Some people people prefer shared surfaces;
- To KH, nothing is proposed for garden space for the flats. There is garden space to the rear of the houses, and the apartments have balconies – those facing Talbot Road being more interesting balconies.

**GB:** Councillor Harman also asked about asbestos removal in his speech; Members were assured on site that all asbestos would be safely removed. Notes several Members are still wishing to speak, and asks that only new issues are raised.

**BF:** has a comment; officers have answered his questions. This is a brownfield site, and under the process by which vacant building credit is worked out, as described by MJC, not many brownfield sites will generate affordable housing – which is a shame, showing that national government isn't caring about affordable housing. We don't want affordable housing stuck on the edge of town, involving

people in expensive transport costs. Ordinary people are being driven out; we need affordable housing for people to keep society going. In Cheltenham, has noticed two houses valued at £3.5m, but affordable housing is a real problem – not just for people on low income, but also for middle income, professional people.

**CN:** in an attempt to nail the red herring, has a specific question about the £6m price tag for this site – is this a normal commercial price? Vacant building credit stumps the whole issue. The report raises the question of the price of the land, with the suggestion that the reason why there is no affordable housing is because of the high price the developer has paid.

**PT:** has been told that the triangle on Talbot Road will be green, with paved surfaces elsewhere. Which will it be? There is no space to the front of the flats. Why are we accepting less than the best on this site? These buildings will be there for many years, as an illustration of what we thought was good for the people of Cheltenham. We should demand the absolute best we can possibly get – which we have not got in this scheme being considered tonight.

**GB:** no-one has specified why the design is not good.

**PB:** design is hugely subjective, and in a different situation this might be acceptable. MJC has given a very full response. Accepts that regarding affordable housing, we can't do much about the legislation, but there is not even 1% affordable provision – no attempt at all in this very significant scheme. Regarding the design, the report states that apartment blocks are spaced to replicate the spaces between villas on Lansdown Road, and the height and some aspects of the design also reflect Lansdown Road - doesn't not want to refuse this application but the architect could do better, as said by the Architects' Panel and Historic England. We want something to be proud of in ten years' time, and the opportunity is there to achieve this. Have Historic England and the Architects' Panel seen the final proposal?

**AL:** on balance, is in favour of the development but has concerns about the design, which could be improved by reducing the mass of the façade to Lansdown Road. Decreasing the height and pushing the buildings back would achieve this.

**MJC, in response:**

- The price of £6m is the net receipt the police wanted to gain from the development, and it is not for MJC to comment on this. This is an enabling development, like Pittville School, where part of the playing pitch has been developed to finance the new sports hall. The exercise to find residual land value normally involves the amount of money a developer will realistically pay for the piece of land, taking into account S106 contributions, development profit, building costs etc. Taking all this into account, the residual value is nowhere near £6m;
- Vacant building credit trumps all other considerations, but makes a lot of work and is not taken lightly. The district valuer came to talk to Members about it a few years ago. A refresher session could be added to the training list;
- To PT, regarding the space in the middle, the plans show this as a landscaped space, and there will be a landscape condition to ensure that this is delivered; all drawings are illustrative, but this will be a landscaped green space if approved;
- PB's comments are helpful about what Members would like to see as an improvement of the scheme;
- Officers have spent a lot of time working with the developer, regarding the heights, landscaping etc, to achieve what they consider an acceptable scheme, on balance. Is not sure, therefore, what a deferral would achieve. Officers have pushed the developers hard on the scheme, to the point where they have been quite frustrated. Suggests that Members should determine what is before them, as officers are unlikely to get any major concessions from the developers. The

recommendation is based on the proposal being an enhancement to the conservation area compared with what is there now.

**CN:** regarding the £6m for the site, the police have already had this capital receipt and spent it on other things. Has there been any contractual arrangement with the developer which may or may not have an impact on the capital receipt to the police?

**MJC, in response:**

- Is not privy to the contract between the police and the developer – this is not a planning consideration. It is only relevant regarding the work at Waterwells, which is in the public interest – we shouldn't get bogged down with anything else.

**GB:** we have had over an hour's worth of helpful discussion, and advice from MJC. Does PB want to propose deferral?

**PB:** yes, because there is a history of deferrals resulting in better schemes in 5-6 weeks' time. The applicants will have heard Members' comments regarding the front three blocks. Hopefully the final scheme will be more worthy of the setting, and have the approval of Historic England and the Architects' Panel.

**Vote on PB's move to defer**

7 in support

6 in objection

1 abstention

**DEFER**

Application Number:	<b>17/00934/FUL</b>
Location:	<b>7 Tryes Road</b>
Proposal:	<b>Side extension and two-storey rear, stepped extension with internal alterations. Removal of existing garage.</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>3</b>
Update Report:	<b>None</b>

**MJC** introduced this application for a two-storey rear and single-storey side extension, of overtly contemporary design. It is at Planning Committee at the request of Councillors Harman and Wilkinson, in view of the the impact it will have on the neighbouring property. Members saw the site on Planning View. The recommendation is to permit.

**Public Speaking:**

**Mr Ward, neighbour, in objection**

Lives with his family at No. 9, which is connected by a shared party wall. There are two key areas of concern with this proposal: firstly, the adverse impact on amenity; and secondly, the size of the proposal. It is bulky and intrusive; the contemporary design dominates original building. At 3.5m it will be oppressive, uninviting, claustrophobic, decreasing daylight and sunlight to his house. The light test has been done using drawings proven to be inaccurate, not using accurate measurements. The ground floor windows would fail 45° test on elevations plan, and the proposal will cause significant overshadowing to rear. By virtue of its size, the proposal will cause unacceptable harm to his garden. Material understatement of size of s The style adopted is not in keeping with the conservation area, which is predominantly 1930s semi-detached houses. Material zinc. Other houses in the area have added single-storey rear extensions in similar materials to the original; this is much bigger and clad in

zinc, which will be visible from the front. It should be rejected or moderated to be more in keeping neighbouring properties and conservation area.

**Mrs Bish, applicant, in support**

This is her family home, which she wants to extend and modernise to create modern flexible living space, to be enjoyed by her children and grandchildren. In designing the extension, has respected the location in conservation area, keeping key changes at the rear, using the most resilient materials and creating new spaces which take advantage of the natural benefits of the rear garden. Listened to planning officers' opinions and neighbours' concerns. Planning officer's tone of officer report and conclusion – own distinct design merits, not detract from principles in conservation area. Urge to support plans for updates home for self and family to enjoy.

Councillor Harman

How many members on view? Three occasions, Mr Ward passion as resilient. If on view, Mr Ward put to indicate scale and proximity. Case re overbearing strong – Tryes Road not long, not massive objections. 16 Tryes Road – opposite – 3<sup>rd</sup> paragraph – significantly larger than neighbours, out of context. 30 Painswick Road – Chair of SPJARA – closing para – reject or modify – less un-neighbourly. Members think very carefully. PB said in previous application – could do better. This could do better too. Mr Ward realises neighbour needs to make changes – possibility to look at again. Not impose on neighbours. Think very carefully about views being put forward by objectors.

**Member debate:**

**MC:** was on site visit, and Members were told a sample of zinc would be available at the meeting. This is an interesting proposal – which looks even more different because of the angle of the garden towards the neighbour – overlooking the redundant triangle of land. Is not sure what he feels about it, but can understand why the neighbours have said about it being overbearing.

**SW:** sadly was unable to attend planning view, which would have been particularly useful in this case. Feels it is still useful for him to comment on the size, mass and design of the proposal, and is reminded the ship containers which were temporarily used to rebuild shops in Christchurch, New Zealand, following the earthquake. This extension will look like a ship container on the conservatory, and be permanent. This is a conservation area, and the proposal doesn't fit in in any way, shape or form with the other buildings. If more traditional building materials were used, would be hard-pressed to make comments, but with the materials proposed, will find it difficult to support this application.

**HM:** one of the most important things in the planning system is for officers and members to be consistent in their decisions – is therefore quite surprised by the officer recommendation to permit. 6.6 Local Plan – states that the extension should not detract from the original building – fails to see how this doesn't do just that. This is a conservation area, and we therefore need to be more mindful of the effect the extension will have. Is reminded of No. 3 Church Street in Charlton Kings, where an application for an extension was refused because it was considered too modern and to detract from the original. If this proposal is permitted, we are not being consistent.

**BF:** zinc has been used in buildings for generations. It's true this is a modern design, but it is not unacceptable in 2017. Officers have helped refine the proposal, and is pleased to see a modern statement proposal rather than a bland pastiche. Will support the proposal, but is concerned about the challenge to the light test, however.

**PB:** these applications are always difficult, and clearly upsetting for the people involved. It is a shame that an amicable solution cannot be reached. Is reminded of recent applications at Sandy Lane, where the neighbours were eventually able to compromise. The pictures of this proposal are shocking – how much pre-app discussion with officers would be needed to reach a more acceptable

solution? Accepts the absolute right of the applicant to make her home more usable, but is not sure where to go with this, and wonders if deferral would be the best option

**KH:** is thinking much the same as BF on this. The design of the extension is unashamedly modern and it could be said that it doesn't fit in the surrounding area, but it is not for the Committee to deny the applicant what they want as long as it is in line with policy – which the officer reports says it is. Was on Planning View, and can understand why the neighbours find this modern design unpalatable. It will be viewed by the two immediate neighbours, but from the road, no-one else in particular will see it. Has great sympathy for the neighbours, agrees it will have a negative impact on their amenity, but not enough to reject the proposal. It's regrettable that the applicant wants to remove the old chimney stack which gives a nice historical symmetry to the row of semi-detached houses, but despite this, the application should be approved.

**PT:** cannot vote in support of this application. The extension to the back and sides is higher than the ridge height – it is an *ornicky* extension, a carbuncle which doesn't fit with the house at all. Isn't against modern design, but this is too much.

**MJC, in response:**

- Regarding the light test, the conventional 45° test was conducted on the two elements individually, and both complied. The house next door has a large window opening. The test was re-conducted and officers remain satisfied with the result;
- Regarding the design, is not surprised to hear Members' views. HM is quite right regarding the need to be consistent - this is something that officers take very seriously as a team – but we shouldn't be completely wedded to traditional architecture. Historic England's guidance is that we should consider size, mass, scale and bulk. If these are OK, the external appearance, the 'wallpaper' are less important. The original proposal was a lot larger than what is being presented today, and has been scaled down to a scheme which officers find acceptable. It would be easy to turn this into traditional extension– brick render, hipped roof etc - but this is not what we are considering today at committee;
- As BH and KH have said, this is the 21<sup>st</sup> century and we do not need to stick slavishly to traditional designs; this design is unashamedly contemporary, but it is respectful and causes no additional harm, so why should it not be permitted?
- Regarding the eaves height and breaks in the flat roofs, these tend to be taller and officers are content that the junction will be acceptable;
- This is an interesting proposal, and we will no doubt be seeing a lot more like it in the future as people think about how best to develop their houses.

**PT:** does the guttering continue between the extension and the house? Cannot see where the guttering goes behind the extension.

**MJC, in response:**

- Would expect there to be a leaded junction between the old and new, with water channelled to a new downpipe.

**AH:** we need to remember the difference between buildings and homes. Has a background in historic building surveying, and is particularly aware that homes are living, breathing, evolving entities. This extension is another phase in this building's history, and what makes it a home.

**PB:** asked officers whether they felt any further discussion would lead to a compromise, or whether they feel the have already gone as far as they can get with this one.

**Vote on officer recommendation to permit**

7 in support (including Chairman's casting vote)

6 in objection  
2 abstentions  
**PERMIT**

Application Number:	<b>17/00936/FUL</b>
Location:	<b>Cotswold BMW, Tewkesbury Road, Cheltenham</b>
Proposal:	<b>Full planning application for erection of 2,856 sq.m food store (Use Class A1) and 223 sq.m of coffee shop retail and drive-thru (Use Class A1/A3) with associated landscaping, parking and infrastructure</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>8</b>
Update Report:	<b>None</b>

**EP** introduced the application as above, for a foodstore and coffee shop, with access from the existing vehicular access on Tewkesbury Road and from Rutherford Way to the rear. There is an extant outline permission for shops, a pub and a gym, which is a realistic fall-back. Officers have considered the visual and retail impact, and Highways officers do not consider the increase in traffic will be significant. The recommendation is to approve, with conditions. It is at Planning Committee at the request of Councillor Clucas and the parish council, due to concerns about traffic generation and the impact on neighbours.

### **Public Speaking:**

#### **Mr Guy Wakefield, of Hunter Page Planning, in support**

Thanked officers for all their work on this application, and the recommendation to permit, with robust conditions. Planning permission was granted on this site in 2016; a detailed Road Traffic Assessment has been prepared, to assess the impact on the retain centres, which concludes that the impact will be minimal, and the traffic generated by the retail food outlet and coffee shop less significant than the extant permission. Regarding hours of opening and lighting, there have been no objections from Highways or from environmental health officers. The scheme has been amended as a result of officer comments, to enhance the visual amenity, landscaping and trees. Support for iportal – the Lidl website received 374 votes, 77% in support of a new store at this site, and over 900 people have signed a petition in its favour. The application brings with it a number of benefits for the town, including economic investment, the creation of 60 permanent jobs in addition to construction jobs, the redevelopment of an important site on the gateway to the town, and well-designed landscaping. All this must tip the balance in favour of the proposal, and with conditions in place to protect neighbours' amenity and highways issues well covered, hopes that Members will support the officer recommendation to permit.

#### **Councillor Clucas**

There are a number of reasons to request this application be considered by Planning Committee: firstly the 24-hour customer access to some of the facilities; secondly the effect of the lighting on residents of Glynbridge Gardens; and thirdly, the effect of this additional development on air quality in the area. The agent has said the conditions are robust, but they could be more robust. If there is going to be 24-hour access to the site, given the problems in the area with boy racers and anti-social behaviour, this will provide a good opportunity for this to continue. The conditions can be further enhanced to include a mechanism by which the public cannot gather, race, or do hand-brake turns etc. If the store is not open 24 hours, this should be possible. The developer has agreed that the store won't be open 24 hours, but may try to achieve this in the future. This needs to be tackled now.

Lighting will impinge on the residents of Glynbridge Gardens unless they are installed and operated properly and with care. Would ask that this be done during the process of development, knowing the extent of what the lighting will be, where it will go up, when it will be on, and taking any opportunity to screen the neighbours and build this in to the development.

Regarding air quality, there is nothing from environmental health officers in the report which is disappointing. There are plans for 4000 houses in the area, as well as an extension of Gallagher Retail Park. Air quality is already a problem in the Kingsditch area, pervading the whole area – hence the disappointment that there is no comment on this in the report. Hopes future applications will ensure that mitigation measures are put in place, not only for the people living close by who suffer from the emissions and debris, but also for people further away from the immediate area.

#### **Member debate:**

**CN:** something definitely needs to be done about this site, and the ideas talked about are reasonable. Agrees with FC especially regarding the air quality. This is a rising concern at all levels and how we address it is a sixty-four thousand dollar question. His main question is to do with the sequential test and consideration of wider retail matters, in particular at North Place – that saga goes on, with no solution. As referred to in the react report from DPDS, at para 32.5 and para 4.33, development of another food store on Tewkesbury Road could make it less attractive to have a food store at North Place. Are we complicating the future of North Place if we allow this proposal to go ahead?

**MC:** there are two access points to the south of the site. Is the Rutherford Way access for the public or just for loading. Rutherford Way is used by local workers, parking cars and bikes willy-nilly – something needs to be done about this. Regarding traffic, there are no Highways objections, which raises a smile as the site is so close to the busiest roundabout in Cheltenham – sometimes has to queue half way up Princess Elizabeth Way at busy times – and the majority of traffic from this development will go via that roundabout. Cannot therefore set a lot of store by Highways comments. This proposal will have an additional impact on Tewkesbury Road, and we need to make a stand. S106 money is acquired for highways development and nothing gets done for years. Why do we need drive-thru coffee shops? It is ridiculous. Why are we encouraging it? This site needs to be developed in a sympathetic way. FC's comments are all valid - shares her concerns – and is disappointed that County Highways isn't doing its job properly.

**BF:** agrees with both FC and MC. The highways problem has not been addressed by County Highways. They have been involved in dialogue but submitted their reports late in the decision-making process. They may not consider this proposal significant, but 6,000 houses are to be built in this area in the next few years. Part of the mitigation for this should be dedicated bus lanes on Tewkesbury Road, as traffic waiting to get the new store will have to queue along the main road. There are other food stores on Tewkesbury Road but the access is not off the main road. The JCS highlights the need for dedicated bus lanes, but County Highways aren't engaging with Stagecoach and are foolish to ignore this issue. Has no objection to a Lidl store here, but the access should be off Rutherford Way. BMW used this, and the number of movements from BMW was a lot less than it will be from a supermarket, where the average stay will be 35-40 minutes – a constant flow of cars. Is amazed County Highways officers haven't spoken with the developer. This application should be refused or deferred until County Highways has the JCS Traffic Plan for Tewkesbury Road in an acceptable position. The JCS is in the final stages now, but this could scupper it if there is no clear passage on Tewkesbury Road, giving a legitimate reason to throw out Elms Park application and lose the essential housing it will bring. County Highways officers disregard the JCS because it is not current and therefore carries little weight, but this is nonsense. Further development is planned for Marks and Spencer and at Gallagher Retail Park, and we have to get this right; Tewkesbury Road should not be the way in. It would also solve part of the light pollution problem, with car headlights

directed into an industrial area rather than people's homes. The application should be deferred or refused. Gloucestershire Highways consultation response has been appalling on this application.

**PB:** supports the concept of this scheme and the uses, and isn't concerned about the effect on North Place, which could do a lot better than a supermarket. This proposal will have a much less detrimental effect on the town centre, and other aspects of the scheme, such as job creation etc, are all good. Is appalled by the design, however. The Architects' Panel describe it as a monolithic warehouse, and it is situated on a main road into Cheltenham, which welcomes people to the town. The only thing the developers have done to improve this is include some pathetic landscaping; the scheme needs substantial landscaping, screening it and the car park from traffic on Tewkesbury Road. The developments further down Tewkesbury Road – Aston Martin, Bentley, Sainsbury's – all benefit from trees between the site and road; this scheme is poorly thought out and should be strengthened. Agrees with BF regarding the traffic. Realises the building cannot be redesigned, but its impact can be reduced.

**AH:** notes the Starbucks drive-thru flow plan, with the entrance at the bottom and the exit in the middle. Is that right?

**EP, in response:**

- Drive-thru customers will enter the site on the north side, drive past the building, collect their drink, go back past the building on the left, then turn left into the drive-thru lane;
- To CN, regarding the sequential test, a detailed report has been done, as required by the NPPF for retail need in the town centre, and North Place needs to be considered in that process. The applicants have had difficulty finding out about the developer's intentions for the site and therefore cannot pass the sequential test. However, the current proposal is still preferable to what has been permitted in any event. The officer report has touched on the fact that a new food store on Tewkesbury Road might influence the future for North Place but does not consider it sufficient reason to refuse;
- Regarding highways issues, officers provided a very detailed response which is appended to the report in full. We have to remember the extant permission for the site for retail, pub and gym use, which has to be used as the viable fall-back position. This proposal will cause a slight increase in movements, but the highways officer states that this will be less than 1%. It would therefore be unreasonable to refuse on highways grounds with the extant permission as fall-back;
- To BF, regarding the Rutherford Way access, the proposal is that while the shop is open, this access will be available to shoppers and delivery vehicles. Lidl vehicles will only be able to use that access; customers can use it as well if they want;
- Regarding the wider highways implications, with Elms Park to be developed in due course, highways officers have looked at this. They have said in the transport assessment for Elms Park that a dedicated bus lane will be introduced on Tewkesbury Road, and there would be points where cars can cross it. We are in danger of throwing out the baby with the bathwater here, if all the traffic problems of the area are thrown at this application. It would be unreasonable to refuse on potential concerns about other schemes in the area which have no consent at this stage;
- To PB, regarding landscaping, following various discussions with the developer, the highways verge will be re-installed, offering nice quality space. There could be more landscaping, but what is proposed at present is more than is currently there and more than on indicative plans – officers consider it to be enough;
- Regarding the building design, the applicants submitted a pre-app, which was discussed with officers, resulting in the full application's lay-out of car park and design of buildings. It could be improved, but we have to bear in mind the context. It is a big building, but not disproportionate. There are numerous buildings of similar scale in the area. Understands Members' reservations, but these are not enough to warrant refusal of the application;

- There is no suggestion of 24-hour trading; deliveries to Lidl through the Rutherford Way access is the only reference to 24-hour use of the site. There is a condition to limit access to the site outside customer hours, and fencing to prevent anti-social behaviour and rat-running at night;
- Regarding lighting, there is a condition requiring a lighting scheme to be submitted, taking into account the distance from the neighbours.

**PB:** is the extant permission a detailed scheme or just an outline? Did the approved scheme have car park frontage on to Tewkesbury Road. Buildings facing the road are OK, but we are now looking at tarmac and cars. We should demand a much stronger landscaping scheme for the frontage.

**BF:** the extant permission allows access to Rutherford Way for customers but this doesn't; it only refers to goods deliveries from Rutherford Way – highways officers have not got their facts right. A 1% increase is wrong – this is a supermarket, and the amount of car movements will be far higher than a pub, a gym or a retail unit such as TKMaxx. Food shopping means a short stay. Highways officers must look at the implications of queueing in the bus lane, and should look at the proposal in the context of the JCS. What they say is wrong; the application should be refused on TP1.

**CN:** if the application is permitted, can we have a condition to address the landscaping issues to improve on what is proposed, especially on Tewkesbury Road?

**PT:** can we also condition access from Rutherford Way in the same way?

**EP, in response:**

- We cannot do that, as it isn't what the application is for; it would be unreasonable as there is already permission to access the site from Tewkesbury Road;
- The existing consent is an outline, but indicative plans were included which showed buildings further back in the site than the proposed supermarket and more car parking in front than is proposed here. This lay-out is an improvement, and officers consider it to be acceptable.

**PB:** an outline is an outline; when we come to the detail, surely we can address the situation?

**EP, in response:**

- It's true to lay-out isn't fixed, but officers have no particular concerns about what is indicated at the outline stage. It is all about context. Gallagher Retail Park is next door, where it is not unusual to have car-parking in front of buildings; officers consider this to be acceptable;
- Regarding a detailed landscaping scheme, a condition could be included requiring this to be submitted;
- Rutherford Way access is primarily for deliveries, but customers can use this access as well; highways officers considered this in their comments.

**PT:** wants to understand the plan for cars coming off Tewkesbury Road and coming back onto it – this is already confusing. This application may have taken the extant permission into account, but with traffic increases, things will change, especially when there are 6,000 more houses in the are. It is crazy – we should be able to control what happens on our streets.

**SW:** is with PT here. The extant permission has cars coming in from and out to Tewkesbury Road. There are two accesses to Rutherford Way but one is currently blocked off. Can we ask the developers to make both of these accesses viable? Most people shop at Lidl because they want to shop there and make a special trip, and access through controlled junction would feel safer and easier. Can we ask them to make the other Rutherford Way access viable and usable? People would prefer to use these, via a controlled junction.

**EP, in response:**

- Customers will have the option to use that exit if they wish. It is proposed to block the access as indicated by the red dots; to do otherwise would mean redesigning the whole scheme. As permission has already been given to use these accesses, it would be unreasonable to go back. If customers don't want to use these accesses, they can go through the top of the site, but if everyone goes through the top of the site, this will cause a knock-on impact elsewhere.

**Vote on BF's move to defer**

6 in support

8 in objection

**MOTION NOT CARRIED**

**Vote on officer recommendation to permit, with additional landscaping condition to improve current proposal**

9 in support

3 in objection

2 abstentions

**PERMIT**

Application Number: **17/01137/FUL**  
Location: **15 Deep Street Prestbury Cheltenham**

**WITHDRAWN**

Application Number: **17/01179/FUL**  
Location: **259 Gloucester Road, Cheltenham**  
Proposal: **Erection of 6no. one bedroom units within an apartment block and a pair of semi-detached two bed houses on land adjacent to 259 Gloucester Road (revised scheme following refusal of planning permission ref. 17/00165/FUL)**  
View: **Yes**  
Officer Recommendation: **Permit**  
Committee Decision: **Permit**  
Letters of Rep: **5** Update Report: **None**

**MP** introduced the application as above, reminding Members that they refused a similar scheme in April. This proposal has been amended to address Members' concerns. Render, bricks and dark grey cladding has improved the transition between the apartment block and the houses in Libertus Court. It is at Committee at the request of Councillor Halliday, due to neighbours' concerns that the proposal will be overbearing and result in loss of amenity.

**Public Speaking:**

**Mr Toby Coombes, of Coombes Everitt, in support**

To provide context, there is extant consent for development of this site, with houses at the back and a large building at the front. This was approved at Planning Committee, but criticised by Members for its poor design. His clients' view is that they would like something better for this visually important site close to the railway station. The recommendation in March referred to the design in relation to the adjacent buildings. The developer has since worked with planning officers to understand this more

fully, and reviewed the locality carefully, noting the mix of contemporary and old, flat and pitched roofs etc, a great variety of styles with no clear theme for new buildings to aspire to. A contemporary approach was therefore felt to be appropriate, with the height lowered at the left hand side and set back. Various improvements regarding the stair well and number of openings etc have resulted in this proposed building which will be an improvement on the existing, and fit in well along Gloucester Road, as the photo montage shows. Officers consider this to be a positive revision. The proposal was previously supported, and with these further improvements, urges Members to support the officer recommendation and approve the proposal.

#### **Member debate**

**PB:** likes it!

**PT:** is not sure what there is to like. Cannot see the two semis, and would suggest the developer needs to go back to the drawing board to produce something more homely, attractive, and Gloucester Road-ish. This is a horrible idea – anything with a flat roof and modern design does not fit in and isn't fair on the residents.

**BF:** is concerned regarding the collection of rubbish and refuse from Libertus Road and R Road – UBICO won't be able to get a dustbin van down there, and residents will therefore have to bring the bins up.

#### **MP, in response:**

- Refuse and recycling proposals are unchanged from the previously approved scheme for the four units. Access has always been from Roman Road, with bin storage at the back.

#### **Vote on officer recommendation to permit**

12 in support

2 in objection

**PERMIT**

Application Number:	<b>17/01210/FUL</b>
Location:	<b>11 Bradley Road</b>
Proposal:	<b>Erection of a new single dwelling</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Refuse</b>
Committee Decision:	<b>Refuse</b>
Letters of Rep:	<b>9</b>
Update Report:	<b>None</b>

**LW** introduced the scheme for a contemporary dwelling built in the side garden of 11 Bradley Road, part of the footpath, and the garden of 29 Croft Gardens. It is at Committee at the request of Councillors Walklett and Bickerton. Officers consider it to be a contrived form of development, not suitable for the plot, out of character, and causing significant harm to the amenity of 28 Croft Gardens, overbearing and overshadowing the garden.

#### **Public Speaking:**

##### **Mr Berry, applicant, in support**

Has lived in Bradley Road for five years with his wife and two children; likes the area and being part of the community. In 2012, was granted permission to build a two-storey side extension on his house, but has since realised there is an opportunity to use the large space to the side of the house and the barely-used footpath to create an exciting new home, leaving the main house in its existing form. There are bungalows, three-storey flats, detached, semi-detached, many different styles in the area,

and this modern design will not look out of place. The vast majority of neighbours agree; five support, and only one objects, and there are conditions to cover their concerns, including frosted windows. Would have expected more opposition if the proposal was a problem, and the Parish Council has no objection. This is a sustainable location, with shops and public transport nearby, and this effective use of the site will take pressure off country sites. There are issues with footpath, but this is not a planning issue, and to be resolved.

**Member debate:**

**MC:** went on site visit and spent a lot of time looking at this site, and photos from the agent. Doesn't like the proposal – a bit of land from one house, a bit from another, re-siting the footpath, even though we are told this is nothing to do with planning. Doesn't like the design. All in all, there isn't a lot going for this proposal, and sees no reason to go against the officer recommendation.

**GB:** feels the LW's comment was most pertinent – this is a contrived scheme, and unacceptable.

**SW:** is on the right of way team - this is not a conflicting interest although if the application was to be permitted, could be looking at this at a future stage. When first saw the application, including the building over a public right of way, wondered why it was even brought to committee. If the footpath can't be moved, the scheme can't go ahead. Is also with officers on this. Is not an enormous fan of backland development at the best of times, but contrived is certainly the right word here. The proposal is trying to fit a quart into a pint pot and just doesn't work. Fully supports the officers.

**Vote on officer recommendation to refuse**

13 in support

1 in objection

**REFUSE**

Application Number:	<b>17/01238/FUL</b>
Location:	<b>2 Giffard Way</b>
Proposal:	<b>Side and rear extension, new porch and bay window.</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Refuse</b>
Letters of Rep:	<b>1</b>
Update Report:	<b>None</b>

**HDJ** introduced the application as above, at Committee at the request of Councillor Nelson, on account of the harm it will cause to neighbouring amenity through loss of light to the kitchen window. Officers consider there are multiple sources of natural light to the kitchen, and therefore the recommendation is to permit.

**Public Speaking:**

**Mrs Small, neighbour, in objection**

Is objecting to this application on account of the loss of light to her kitchen. Officers say there are multiple sources of light, but the light from the patio doors is blocked by a wall. This is a much-used kitchen, and will be gloomy. It is north facing, so not the brightest of spaces at the best of times. This scheme will result in loss of outlook and amenity she has enjoyed for 51 years. Looking at a brick wall 2.4m from her kitchen window is a horrifying prospect, and will result in a sense of claustrophobia. Has been advised the proposal doesn't comply with Cheltenham requirements.

**Member debate:**

**TO:** went on Planning View, and agrees that the kitchen area is dark, and light currently entering from the patio is deflected. If this application is permitted, it will infringe on the current light and result in a very dark room.

**PT:** will move to refuse this proposal, as the light to the kitchen will be compromised. The big block in the middle detracts from the light, and the new wall will be very close to the window and very, very oppressive. It will compromise the neighbour's enjoyment of her home.

**CN:** asked for this application to be brought to Committee; having visited the site was uncomfortable with officer advice, and wanted to see how other Members felt. Did not go on Planning View for this reason, so welcomes the comments from TO and PT which reinforce his own views. The loss of light is the predominant issue. There are four light sources to the kitchen, yet the first thing that struck him on entering the kitchen was that it was generally a dark room. The large mirror on the back wall is obviously there in an effort to make the most of what limited light there is. If the extension is allowed to go ahead, it would fail the light test on the last side window, only leaving the patio doors and chimney sun room, through which very limited lights comes in. The two side windows are north facing, the patio doors west facing. If the proposal goes ahead, it will have a significant effect on the amenity due to the impact on the light. It should be refused on Policy CP4 for this reason.

**HM:** agrees with all that has been said. The kitchen was extremely dark and that was on a sunny summer's day. What it would be like in Winter doesn't bear thinking about.

**BF:** wasn't on Planning View. Does the proposal pass the light test?

**MJC, in response:**

- This has been one of the most difficult light tests he has done. On Planning View, Members will have seen the different light sources: two windows facing the site, patio doors, and the roof light. The light entering the room is not dispersed as if it was open plan. For this reason, officers looked at a more detailed light test, conducted on the main kitchen window; a marginal fail was suggested on that window. The other light sources would not be compromised by the development next door. Officers were therefore satisfied that the impact won't be noticeable; evidence collected suggests that, although there will be an impact;
- If the kitchen window was the only light source and taken in isolation, the difference would be noticeable; but as it only marginally failed the light test, officers took an on-balance decision. A case could be made either way, but officers have to take a positive approach. Is not surprised Members have reacted as they have.

**PT:** it's obvious that MJC doesn't spend much time in the kitchen, bottling fruit, peeling potatoes, washing up, washing. Adding a wall will make the dark kitchen even darker. It is totally unreasonable to have a wall that close to the kitchen window and block the light out even further.

**MC:** officers have said it was a marginal decision. On a technical note: there are three other light sources in the room; would these be tested as well, to give a cumulative total? There is also reflective light in the room, from the mirror, but that could be removed.

**MJC, in response:**

- Regarding the light test, understands where Members are coming from. Officers made a judgment not to test the other openings. As part of the light test, they need to work out how much light a window gets now, and how much it will get post development. If that amount of light less than 80% of the original value, guidance says would be noticeable. The test on the side window showed 75%. On the other window, it would be 10% reduction – not appreciable to the naked eye. The patio doors were not tested – won't change enough;

- the on-balance recommendation to permit is made in that regard; if the extension was reduced in size and set in, it would tip the balance more. Officers' view is that it is acceptable; they cannot prove beyond all doubt that there will be no impact, but base their recommendation on the facts as they see them. They could argue the case either way.

**GB:** if the wall is built, the neighbour will need the kitchen light on permanently, and this will be a clear loss of amenity. Officers recommended on balance to grant permission, but taking in concerns about light in the room, this is enough to refuse the application.

**PT:** proposed CP4 as refusal reason.

**Vote on officer recommendation to permit**

1 in support  
12 in objection  
1 abstention

**NOT CARRIED**

**Vote on PT's move to refuse on CP4**

12 in support  
1 in objection  
1 abstention

**REFUSE**

Application Number:	<b>17/01369/TPO</b>
Location:	<b>37 Griffiths Avenue</b>
Proposal:	<b>Horse Chestnut in front garden - complete removal</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>3</b>
Update Report:	<b>None</b>

**CC** introduced the application to remove the whole horse chestnut tree, which takes up the whole front garden of the house. It has a TPO, so the recommendation is to permit, subject to a replacement tree of a more appropriate nature being planted in its place.

**Public Speaking:**

None.

**Member debate:**

**BF:** surely it would be unwise to plant a replacement tree in the same spot; the residents could end up with the same problem in 70 years.

**AH:** would like to make the case to keep the tree. It has been there substantially longer than the buildings, and is one of very few trees in the area. Cheltenham is known for its trees; they are part of the town's heritage. This is a healthy tree, and cannot agree with it being ripped away.

**MC:** doesn't like chopping down beautiful trees, and this has been there for ever. But has been on site and read the officer report; this tree has a few problems. The report talks about removing and replacing the tree, saying that it would have to be removed in 15 or so years anyway; if a tree is

planted in its place now, it will be reasonably mature in 15 years. Will be sad to see it go, as it is beautiful tree; wouldn't normally support its removal.

**SW:** is a great tree lover, and will be sad to see this tree removed, but it does carry disease. It was there before the houses, before the current residents moved in – so it could be said that if they didn't like the tree, they shouldn't have moved in. However, CC wouldn't recommend the removal of a tree without good cause. This tree is diseased and far too large for the site. Will vote for it to go, though reluctantly. Will be happier if something more suitable is planted in its place.

**LS:** the report states that the horse chestnut has leaf miner. Is no expert in lepidoptery but the issue is the health of the tree, and there isn't enough detail about this in the report. Is it likely to fall down, to fall on the house, will it recover from the leaf miner or not? Is it part of the eco system, or terminal for the tree? This is an important consideration, and is uncomfortable if a precedent is set to take trees down at the first sign of disease.

**HM:** supports SW. CBC is fortunate to have a professional, dedicated tree officer who does his best to support and preserve trees wherever he can. If he says it should go, it should go.

**CC, in response:**

- horse chestnut leaf miner is a perennial problem, causing the leaves of the tree to turn brown and crispy. It will look healthy and verdant in Spring and early Summer next year, but will quickly lose vitality. It will not get better. It won't fall down, and if left, could live for another 10-20 years, having no canker, decay or bleeding canker;
- the issue with the tree is mostly an amenity problem. It doesn't look nice in its current situation. If it was in the Promenade and the leaves were swept away in Autumn it could last longer, but in this case, the neighbours cannot be expected to do this, and the tree will therefore be colonised by the leaf miner moth again next Spring and every year after;
- the tree is older than the house, and one of the reasons why he has been brought this application to committee is to demonstrate the importance of how and where trees should be retained in new developments. If there had been one or two fewer units, this tree could have been kept;
- if a new tree is planted now, it should be of an appropriate size and contribute to the ecology of the area. A hawthorn would be ideal – flowers in the spring, popular with birds and insects, nice autumn colours;
- regarding the suggestion that if the home-owners don't like it, they shouldn't move in, that is fair comment, although in this case the occupier of the house isn't the owner;
- it is a shame to remove the tree; there are few trees in the area, and a new tree won't have such an impact, especially in the Spring; despite this, feels that the time is right to remove the tree;
- has looked at the comments of the Trees Officer when the site was developed, but these were thin on the ground.

**GB:** if Members agree to its removal, will there be a condition to replace it with a different species?

**Vote on officer recommendation to permit**

11 in support

1 in objection

2 abstentions

**PERMIT**